

## MEETING MINUTES CITY OF MILPITAS

<b>Minutes of:</b>	<b>Special Meeting of the Milpitas City Council</b>
<b>Date:</b>	<b>Monday, March 6, 2006</b>
<b>Time:</b>	<b>6:00 PM</b>
<b>Location:</b>	<b>Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd.</b>

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### I. ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM. All gathered said the pledge of allegiance.

**PRESENT:** Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano, Livengood and Polanski

**ABSENT:** None

### II. CITIZENS FORUM

**Ed Connor**, 1515 N. Milpitas Blvd, informed the City Council that the Senior Center needed a new Bingo Board at a cost of \$10,000-\$15,000, which was more than seniors could reasonably fundraise. He requested that this subject be placed onto the agenda for budget consideration.

Mayor Esteves replied that it could be discussed at the budget workshop hearing later this spring.

### III. APPROVAL OF AGENDA

Motion: to approve the agenda for the March 6, 2006 meeting

Motion/Second: Councilmember Giordano/Councilmember Livengood

Motion carried unanimously by a vote of: AYES: 5  
NOES: 0

### IV. RESOLUTION

The City Council discussed the draft language for the ballot question, for the June 6, 2006 election, when voters would vote on an advisory vote measure regarding charter city status for Milpitas. The City Council considered a Resolution calling for the specific ballot question:

#### ADVISORY VOTE ONLY

“Should the Milpitas City Council place before the voters a charter city proposal that would require the following: (1) a budget reserve only for emergencies and not salaries, (2) voter approval of future capital projects over \$15 million, (3) increase City Council from five to seven members, (4) an open recruitment process for top city management, (5) scheduled performance audits for all city departments, and (6) voter approval for city charter amendments?”

City Attorney Steve Mattas explained that Council representatives put the draft wording of the measure together and it could go to ballot as prepared before the City Council this evening.

Councilmember Polanski asked about the estimated cost and where would the money come from to pay election costs. Mr. Mattas replied that the only appropriate funding source was the City’s General Fund. She read aloud the six items that could be part of a suggested charter, in the measure question. She felt only two of those were things the Council could not do presently.

Mayor Esteves asked about the measure approval, and when would the issue (a charter) go to the voters?

The City Attorney reminded the Council that it was an advisory measure only. If approved tonight, the issue would go to the voters on June 6, 2006. Any actual charter to be adopted would have to involve voter approval, in a future election. In response to the Mayor, the City Attorney re-iterated that an impartial analysis required that it was impartial about what subject was on the ballot. The City Attorney's impartial analysis would be very brief (limited to 500 words).

The Mayor asked if item #1 in the ballot question meant Salaries – and benefits? For the record, the Vice Mayor said on #1 the intent was indeed salaries *and* benefits.

### **PUBLIC COMMENTS:**

**Bob McGuire**, lived in Milpitas 41 years, worked here 20 years and thought this idea was “killed off” about 3 or 4 years ago. He thought it was a dead issue and was concerned about this concept, and spoke to City employees who were opposed. Mr. McGuire felt the City doesn't need the expense of seven full time Councilmembers, and was sensitive to retirement benefits and costs around what his community can afford. He did not think we should afford it.

**Ed Connor**, spoke with a little authority on this subject. He wore his AAPW shop steward coat and had been a union guy and he won every contest he had in 20 years. He wanted to see the charter proposal in black and white, with more details on paper. How was this going to play with the economy and the people and the politics of the City, he wondered.

**Mareile Ogle**, 1472 Pashote Ct, did a survey among her colleagues and friends. Everyone has one apolitical worry about the expense. She recalled a school bond ballot issue that failed last year. She asked, how much does it really cost? And, does it need 2/3 or a straight majority?

City Attorney Mattas expressed that the measure would be advisory only, so the vote was not binding. Vote will get whatever it gets in results. If, in the future, there was a Charter City measure, Council may define that a 2/3 vote was required. The City Clerk reported a cost estimate of \$82,556, per information gathered from the County Registrar.

**Jerry Epps**, 1370 Mt. Shasta Ave, stated he was the Vice Chairman in 2001 of a City task force, when the idea of a charter city at that time was studied. Final outcome was nine opposed and two in favor of going toward Charter City. The Task Force believed the city should operate in business-like professional manner, as a general law city. Today, City budgets are tighter, costs are up and rising, but Milpitas politics remain the same and we still need the experience of a professional City Manager. For this City Council to say the task force work's was not valid, and need real input from citizen volunteers is no good. Mr. Epps asked the Council not to put measure on the ballot.

**Rob Means**, 1421 Yellowstone, said \$80,000 sounds like a ballpark figure for maybe why we have an interim City Manager at this time. But, the City is willing to spend money on this now? The previous City Council majority put the hillside measure on the ballot in 2004, but they didn't waste money on an advisory vote. Council could save money by just putting the issue to a vote, not simply seeking advisory vote. He brought up past history, when Mr. Livengood sponsored a term limits measure and he spoke of different results by the governing body.

**Jim Rabe**, 1700 Big Bend Drive, thought that \$86,000 could be better used on the budget for the citizens of the city, and they are getting short changed through this effort.

**John Ogle**, 1472 Pashote Ct, has not yet found what the advantages of doing this would be. He would like to see something written about what are the advantages of making this significant change.

**Denny Weisgerber**, 195 Casper St, wanted to know the benefits of a charter. He saw two more Councilmembers on the dais, and in his experience five people can't get out before midnight from meetings. He would like to know exactly the benefits, beyond personal gain for some. He voted against having a salary for the City Council when first discussed. He believed the Councilmembers were here to serve the people, not themselves. His advice was to pull themselves up from the bootstraps, and run the City as it was elected to do.

**Mr. Olnier**, 2180 Sepulveda, would like to see written in the Post, the pros/cons of this idea. Then, Council members should resign immediately if it doesn't pass.

## **COUNCIL REMARKS:**

Councilmember Livengood related what was suggested to go on to the ballot. Charter cities do a lot of good things, and Milpitas is the largest city in Santa Clara County that did not have one. A benefit was that changes to a charter must go through the voters (not Council) always. He mentioned the City of Santa Clara issue, about Councilmembers joining PERS and it must go to voters. He brought up the cost of Milpitas City Hall and that with a charter, the voters must say yes/no on the ballot for expensive capital projects. A charter could prevent Council ebbs/flows when a substantive change must go to voters, as opposed to just by a Council vote.

Mr. Livengood continued by commenting that voters would ultimately make the decision about going to Charter or not. Milpitas is a different city than 30 years ago. A charter could give more people opportunity to serve the City. He did not agree or was not sure that it will cost more, studies would need to be done to determine that issue. He respected the task force's work and final vote four years ago. A true report card would be noted by the voters.

From the audience, Mr. Weisgerber asked: would more Councilmembers be elected, then, by district, under a charter? Mr. Livengood responded that Council could expand now from five to seven members, but that would have to be district, per California law. With an adopted City Charter, additional Councilmembers could be elected city-wide (not by districts necessarily).

Councilmember Polanski believed the City did not have to go to seven Council members, if there is a charter city. Who will write a new charter, if ballot question passes in June? Why is this subject going on the June ballot, and not going through the budget process? She did not see a rush to go to citizens in June this year, when it could go on in November, which would cost less and give the public more time to understand a charter. She announced she would not vote to put it on the ballot in the June election.

Mayor Esteves stated he would vote no again (as he did at the last meeting on putting this onto the ballot). He reiterated that the Council was given good input from the prior Task Force, along with professional college professor input and from inquiry of other cities. He asked, what was really the benefit? He felt it was uncomfortable being brought back up, after the work of the Task Force was done. Unless major changes have happened, then a charter was not needed. Elections should be taken seriously. Elections is not a joke, not a game, it's serious, he said. We should build trust, by what is placed on ballot. He repeated that he would vote no.

Councilmember Giordano said she read through the Task Force report and spoke to the two minority-vote members on that body. There are a lot of elements in the report to discuss. She said Council would be remiss not to go to the voters and to step forward for action, for an advisory vote. She felt it was great that the pros/cons were brought up tonight, and that was good. She further said that to educate the voters on what they are voting on was important and to make it very clear was the ballot measure was about.

**MOTION:** Adopt Resolution No. 7581, placing before the voters of Milpitas an Advisory Measure on the June 6, 2006 Primary Election related to whether the City Council should place a Charter City ballot measure on specified topics before the voters, and that in Section 5 that Councilmembers Livengood and Gomez be authorized to submit an argument in favor and a rebuttal argument.

Motion/Second: Councilmember Livengood/Vice Mayor Gomez

Motion carried by a vote of: AYES: 3  
NOES: 2 (Esteves, Polanski)

**V. ADJOURNMENT** Mayor Esteves adjourned the Special Meeting at 6:43 PM.

**The foregoing minutes were approved by the Milpitas City Council as submitted on March 21, 2006.**

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**Mary Lavelle**  
**City Clerk**